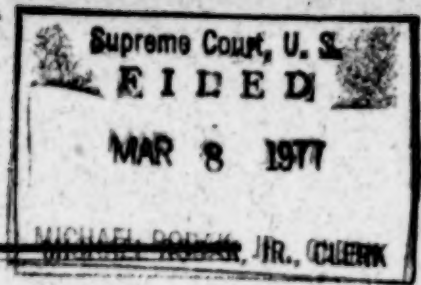


No. 76-1204



In the Supreme Court of the United States

OCTOBER TERM, 1976

FELIX WALLS, PETITIONER

v.

UNITED STATES OF AMERICA

**ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE SIXTH CIRCUIT**

**MEMORANDUM FOR THE UNITED STATES
IN OPPOSITION**

DANIEL M. FRIEDMAN,
Acting Solicitor General,
Department of Justice,
Washington, D.C. 20530.

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**MEMORANDUM FOR THE UNITED STATES
IN OPPOSITION**

In this collateral attack upon a criminal conviction, the court of appeals entered its judgment on June 29, 1976 (Pet. App. 1a). No petition for rehearing was filed. The time within which to file a petition for a writ of certiorari was not extended, and it therefore expired on September 27, 1976. See 28 U.S.C. 2101(c). The petition for a writ of certiorari was not filed until March 1, 1977, and is therefore jurisdictionally out of time. *Toledo Scale Co. v. Computing Scale Co.*, 261 U.S. 399, 418. Accordingly, the petition for a writ of certiorari should be denied.

Respectfully submitted.

DANIEL M. FRIEDMAN,
Acting Solicitor General.

MARCH 1977.

DOJ-1977-03